

Exhibit C

(House Defendants' April 18, 2022 Discovery Letter)



Michael A. Parente
Associate

April 18, 2022

DELIVERED VIA EMAIL

Christopher Bryant
Boroughs Bryant LLC
1122 Lady St. Ste. 208
Columbia, SC 29201

*Re: S.C. State Conf. of the NAACP and Taiwan Scott v. Alexander, et al.,
Docket No. 3:21-cv-03302-MBS-TJH-RMG (D.S.C.)*

Dear Chris:

In light of information that has come to light in recent depositions, we felt it prudent to consult with you as soon as possible to address the below discovery issues pursuant to Rules 37(a) and 11 of the Federal Rules of Civil Procedure, in hopes of resolving the below deficiencies quickly and without the assistance of the Court. While there may be additional areas of discovery that we believe are deficient under the Rules that still need to be addressed, House Defendants have identified several deficiencies that warrant immediate attention given the deposition of SC State Conference of the NAACP President Brenda Murphy on April 14, 2022.

As you will recall, we originally scheduled the deposition of Present Murphy for February 4, 2022. We left this deposition open as it became quite clear during the deposition that multiple documents responsive to our requests had not been provided to us and we detailed those concerns over the course of the last few weeks. While we have received additional documents, deficiencies in Plaintiffs' productions remain and those were brought to life during President Murphy's deposition last Thursday.

The depositions of President Murphy, both as an individual and as a designee for the Rule 30(b)(6) deposition of the South Carolina State Conference of the NAACP ("SC NAACP"), clearly demonstrate Plaintiff's deficient collection and productions with respect to the SC NAACP. During her recent deposition, President Murphy stated that she used her personal email address, brendacmurph@gmail.com, as her primary email

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during the COVID-19 pandemic because the SC NAACP office was closed.¹ President Murphy even lamented that she wished she had used her official email address so her personal email was not at issue. When asked about this personal email account, President Murphy stated that she provided this email account to her counsel, specifically Adam Pergament, for collection, review, and production roughly two weeks prior to her deposition. Still, to date, House Defendants have yet to receive a single email from this account with the discovery deadline approaching on April 22, 2022. In fact, during this deposition, House Defendants showed President Murphy several highly relevant emails that were sent to and from brendacmurph@gmail.com that were produced by the *League of Women Voters of South Carolina* in response to our subpoena to them—but no such documents have been produced by Plaintiffs. President Murphy stated that she did not know why her counsel and Mr. Pergament had not yet produced any documents. House Defendants request that Plaintiffs provide a complete production of President Murphy's personal email account as soon as possible before the close of discovery.²

Second, while it appears only two (2) .PST files from the SC NAACP were collected and produced (President Murphy and Office Manager), it became apparent during these depositions that in fact there were numerous other people involved in the redistricting efforts that would be responsive to our Requests for Production. For example, President Murphy stated that the Executive Committee was responsible for decision-making for the SC NAACP, including reviewing and approving this lawsuit. The Executive Committee consists of roughly 26 individuals according to President Murphy, yet we have only received emails from the official account of one of those members: President Murphy. In addition, President Murphy identified several other employees including Amber Brooks, Laurie Gregory, Priscilla Smith, Shirley Able, Dr. Eloise Fomby-Denson, and Amelia Glisson who sent and received emails related to redistricting. While House Defendants have received a handful of emails with some of these individuals, a thorough and fulsome collection and production of these emails has not occurred. While certain of these individuals such as Amelia Glisson may no longer be employed by the SC NAACP, President Murphy believed that the organization retained those emails. As such, House Defendants request that the personal and/or official emails of all employees and members of the Executive Committee be collected, searched, and produced as soon as possible.

¹ This is directly contradictory to representations Plaintiffs' counsel made during the meet and confer on March 14, 2022, which was apparently weeks before President Murphy even provided her Gmail account to Mr. Pergament.

² President Murphy also stated that she believed emails on her Gmail account deleted after one year. If a litigation hold was issued to President Murphy in October, when this lawsuit was first filed, there should be emails dating back to at least January 1, 2021, the beginning of the time period listed in our requests for production.

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Further, President Murphy disclosed for the first time that there were proposed draft South Carolina House of Representative maps that were sent from the American Civil Liberties Union (“ACLU”)³ to President Murphy at her Gmail account and forwarded by her or a staffer to SC NAACP branch presidents. To date, House Defendants have not received *any* maps from the SC NAACP or any emails between the ACLU and the branch presidents in party discovery. In fact, the League of Women Voter’s production, which was fulsome and provided very quickly, has provided far more emails and information from members of the SC NAACP than Plaintiffs’ counsel has provided.

In addition to these omissions in collection and production of documents, there are several discrete items that have been discussed in depositions or in other documents that have not yet been produced. We have listed some of the deficiencies as follows:

- Meeting minutes from several Reapportionment Committee Meetings for which there are agendas and/or videos, including meetings on August 2, 2021, October 14, 2021, December 30, 2021, January 13, 2022, February 10, 2022, and February 17, 2022;
- Video recordings of Reapportionment Committee Meetings in prior to August of 2021 and for those meetings in October and November of 2021;
- Meeting minutes and video recordings from any subcommittee meetings;
- Meeting minutes and video recordings from Public Comment Training with NAACP Branch Members as noted in SCNAACP_002584 or other training sessions on public comment and testimony;
- Public testimony training materials including the attachments to SCNAACP_002583;
- Meeting minutes and video recordings of training sessions held by Dr. John Ruoff or Minister Evans Moore; and
- Video recording of the Annual Conference where redistricting training was given.

³ President Murphy also discussed the demographers and statisticians from the ACLU who created the SC NAACP map, which is referenced in the Second Amended Complaint. *See* ECF No. 154 at 22, 31, 51-52, 54, 68. The identity of these map drawers has not been made known to House Defendants despite repeated requests and at least one representation by Plaintiffs’ counsel that such identities would be made known. House Defendants again request the identity of these map drawers.

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As the close of fact discovery is quickly approaching on April 22, 2022, please provide the documents requested above as soon as possible. If this case is not resolved at mediation tomorrow and these documents are not provided, House Defendants may be forced to file a motion to compel on the above topics.

Sincerely,

A handwritten signature in blue ink, appearing to read "M Parente", with a horizontal line extending from the end of the signature.

Michael A. Parente

cc: Counsel of Record for House Defendants and Plaintiffs